

JOHN R. GRELE  
State Bar No. 167080  
149 Natoma, St, third  
San Francisco, California 94105  
(415) 348-9300 (telephone)  
(415) 348-0364 (fax)

LYNNE COFFIN  
State Bar No. 121389  
38 Miller Ave., #328  
Mill Valley, CA 94941  
(415) 383-2432

Attorneys for Petitioner  
RICHARD DEAN CLARK

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RICHARD DEAN CLARK,  
Petitioner,

vs.

MICHAEL MARTEL, Acting Warden of  
California State Prison at San Quentin,  
California,

Respondent

) No. C-97-20618-JW

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

STIPULATION AND REQUEST FOR  
ORDER RE DISCOVERY AND  
EVIDENTIARY SUBMISSION

**DEATH PENALTY CASE**

Pursuant to the party's previous submission, discovery was to be completed and an evidentiary hearing motion filed by July 22, 2012.

However, it was not possible to submit the materials by that date. Petitioner's counsel has been involved in lethal injection litigation in three courts. This litigation was precipitated by a private party and the Los Angeles District Attorney who has sought execution dates despite a state court injunction preventing executions at present. The briefing in those matters was not completed until the hearing on July 13, 2012. At that hearing, the superior court continued matters to September 10, 2012.

Several of the deposition transcripts had not been provided to counsel. The last deposition

1 transcript did not arrive in counsel's office until July 20, 2012.

2 Petitioner's counsel incurred some unforeseen health difficulties that required a reduced work  
3 schedule, and diagnostic procedures. Counsel was able to file the briefing on August 1, 2012 and the  
4 exhibits, previously filed in hard copy, were filed electronically shortly thereafter. Some exhibits  
5 remain extant because the scanning that was done did not reduce the size of the file sufficiently to  
6 permit PACER filing, and will have to be re-scanned. Petitioner requests the brief be deemed timely  
7 filed. Respondent has no objection.

8 Respondent's counsel has reviewed the briefing and requests additional time in which to  
9 complete the responsive briefing, given the length of the Motion and the difficulties in filing the  
10 exhibits. Respondent's counsel requests until October 1, 2012. Petitioner's counsel agrees to this  
11 request.

12 Dated: August 14, 2012

Respectfully submitted,

13 JOHN R GRELE  
14 LYNNE S. COFFIN  
15 Attorneys for Petitioner  
16 RICHARD DEAN CLARK

17 By: \_\_\_\_\_/s/\_\_\_\_\_  
John R Grele

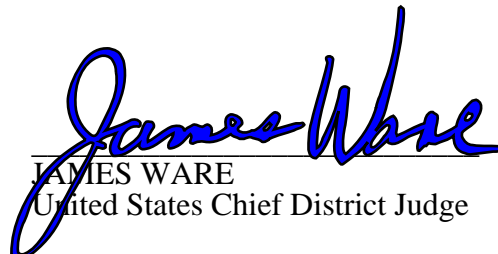
18 Dated: August 14, 2012

19 ALICE LUSTRE  
Attorney for Respondent

20 By: \_\_\_\_\_/s/\_\_\_\_\_  
21 Alice Lustre

22 Pursuant to stipulation, IT IS SO ORDERED.

23 Dated: August 22, 2012

24   
JAMES WARE  
United States Chief District Judge